IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| DANIEL R. COOPER |) 4:13CV3086 |
|----------------------------|-----------------------------|
| Plaintiff, |) |
| V. |) MEMORANDUM) AND ORDER |
| DEPARTMENT OF THE ARMY, |) |
| SECRETARY OF THE ARMY, |) |
| JOHN M. MCHUGH, ATTORNEY |) |
| GENERAL OF THE UNITED |) |
| STATES, ERIC HIMPTON |) |
| HOLDER JR., UNITED STATES |) |
| ATTORNEY FOR NEBRASKA, and |) |
| DEBORAH R. GILG, | |
| Defendants. |) |

This matter is before the court on its own motion. The above-captioned matter was provisionally filed on April 19, 2013. (Filing No. 1.) However, because the plaintiff, Daniel R. Cooper ("Cooper") did not include the \$400.00 filing and administrative fees or submit a request to proceed in forma pauperis, the Complaint cannot be further processed until such defect is corrected. To assure further consideration of the Complaint, Cooper must correct the defect. **FAILURE TO CORRECT THE DEFECT MAY RESULT IN DISMISSAL OF THE PETITION.**

Because Cooper has failed to include the \$400.00 filing and administrative fees, he has the choice of either paying the \$400.00 fees to the clerk of the court or submitting a request to proceed in forma pauperis with an affidavit of poverty in support thereof. If Cooper chooses to submit a request to proceed in forma pauperis, he should complete and return to this court the enclosed pauper's forms.

IT IS THEREFORE ORDERED that:

1. Cooper is directed to either pay to the clerk of the court the \$400.00 filing and administrative fees or complete and return to the clerk of the court the Application to Proceed Without Prepayment of Fees and Affidavit before July 3, 2013.

- 2. Failure to comply with this memorandum and order will result in dismissal of this matter without further notice.
- 3. The clerk of the court is directed to send to Cooper Form AO240, Application to Proceed Without Prepayment of Fees and Affidavit.
- 4. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: July 3, 2013: deadline for payment or filing of IFP application.

Dated June 10, 2013.

BY THE COURT

Warren K. Urbom

United States Senior District Judge